

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

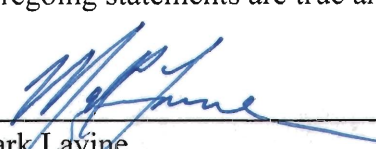
In re: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL No. 1456
LITIGATION	)	Civil Action No. 01-12257-PBS
_____	)	
	)	Subcategory No. 06-11337-PBS
THIS DOCUMENT RELATES TO:	)	
	)	Hon. Patti B. Saris
<i>United States of America ex rel. Ven-a-Care of</i>	)	
<i>the Florida Keys, Inc. v. Abbott Laboratories,</i>	)	
<i>Inc., Civil Action No. 06-11337-PBS;</i>	)	

**DECLARATION OF MARK LAVINE SUBMITTING EXHIBITS IN SUPPORT OF  
UNITED STATES' MEMORANDUM OF LAW IN SUPPORT OF CROSS-MOTION  
FOR PARTIAL SUMMARY JUDGMENT AND IN OPPOSITION TO ABBOTT  
LABORATORIES INC.'S MOTION FOR SUMMARY JUDGMENT**

I, Mark Lavine, do hereby declare as follows:

1. I am an Assistant U.S. Attorney in the Office of the United States Attorney, Southern District of Florida. I am a member in good standing of the bar of this Court.
2. On behalf of the plaintiff United States of America, I am submitting with this declaration Exhibits in Support of United States' Memorandum of Law in Support of Cross-motion for Partial Summary Judgment and in Opposition to Abbott Laboratories Inc.'s Motion for Summary Judgment.
3. The exhibits listed on Attachments 1 and 2 to this Declaration are true and correct copies of the materials described therein and submitted with this declaration.

I swear under the penalties of perjury that the foregoing statements are true and correct.

  
\_\_\_\_\_  
Mark Lavine  
Assistant U.S. Attorney

Executed this 24<sup>th</sup> day of July, 2009